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Re Applic of	Marwan H. Khater
Docket No.	FIS9-2003-0412-US1
Serial No.	10/709,220
Filing Date	04/22/2004
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

PLEASE DELIVER TO:
EXAMINER: Michelle Estrada
ART UNIT: 2823
PHONE NO: 571-272-1858
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Marwan H. Khater, et al.	Date: February 10, 2006
Serial Number: 10/709,220	Examiner: Michelle Estrada
Filed: 4/22/2004	Group Art Unit: 2823
Title: Structure and Method of Forming Bipolar Transistor Having a Self-Aligned Raised Extrinsic Base Using Self-Aligned Etch Stop Layer.	IBM Corporation D/18G, B/321 Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated February 6, 2006.

The Examiner in the aforementioned Office Action has required restriction under 35 U.S.C. 121, stating that the claims belong to:

GROUP I, Claims 1-13, and 20, drawn to a semiconductor device, and


GROUP II, Claims 14-19, drawn to a method of making a semiconductor device.

Applicants traverse the aforementioned Restriction Requirement for the following reason:

Applicants submit that the claims as filed are related as a process of fabricating a semiconductor device and product made. The Restriction Requirement justifies the restriction by vaguely stating that "the process as claimed can be used to make other and materially different products", but fails to list any such "other and materially different products". Thus, Applicants deem that both Groups I and II are one and the same, and they do not fit the criteria for restriction. Accordingly, it is believed that the restriction requirement should be withdrawn.

Notwithstanding the foregoing arguments, Applicants elect to prosecute the invention of GROUP I, consisting of Claims 1-13 and 20 drawn to the semiconductor device, and withdraw from consideration the claims forming GROUP II, as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Respectfully submitted,
MARWAN H. KHATER, ET AL.

By: 
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